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Letter dated 28 December 2007 from the Chairman of the Security Council Committee established pursuant to resolution 1132 (1997) addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone (see annex), which covers the Committee's activities during the period 1 January to 31 December 2007. The report is submitted in accordance with the note by the President of the Security Council of 29 March 1995 (S/1995/234).

(*Signed*) Nassir Abdulaziz **Al-Nasser**
Chairman
Security Council Committee established pursuant to
resolution 1132 (1997) concerning Sierra Leone

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Annex

Report of the Security Council Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone

I. Introduction

1. The present report of the Security Council Committee established pursuant to resolution 1132 (1997) of 8 October 1997 concerning Sierra Leone covers the period from 1 January to 31 December 2007.

2. For 2007, the Bureau consisted of Nassir Abdulaziz al-Nasser (Qatar) as Chairman, with the delegations of Congo and Panama providing the Vice-Chairpersons. During the reporting period, the Committee held one session of informal consultations.

II. Background information and summary of the work of the Committee

A. Background information

3. By its resolution 1132 (1997), the Security Council, determining that the situation in Sierra Leone, following the military coup of 25 May 1997, constituted a threat to international peace and security in the region, imposed a mandatory ban on the sale or supply by States to Sierra Leone of arms and related materiel as well as petroleum and petroleum products. By the same resolution, the Council also imposed travel restrictions on members of the military junta and adult members of their families, and decided to establish a Committee to oversee the implementation of the measures.

4. Subsequently, by its resolution 1156 (1998) of 15 March 1998, the Council lifted the oil embargo. By its resolution 1171 (1998) of 5 June 1998, the Council confirmed the removal of sanctions on the Government and reimposed the arms embargo on non-governmental forces, as well as the travel ban on leading members of the Revolutionary United Front (RUF) and of the former military junta. The Council also decided that States would notify all exports from their territories of arms or related materiel to Sierra Leone to the Committee established by resolution 1132 (1997), that the Government of Sierra Leone would mark, register and notify to the Committee all imports made by it of those items, and that the Committee would report regularly to the Council on notifications so received.

5. In its resolution 1306 (2000) of 5 July 2000, the Council decided, inter alia, that all States should, for an initial period of 18 months, prohibit the direct or indirect import of rough diamonds from Sierra Leone to their territory. In the same resolution, the Council also decided that diamonds controlled by the Government of Sierra Leone through the certificate of origin regime would be exempt from those measures. The prohibitions on diamonds not controlled by the certificate of origin regime were extended for additional periods of 11 months and 6 months, respectively, by resolutions 1385 (2001) of 19 December 2001 and 1446 (2002) of 4 December 2002.

6. On 5 June 2003, the President of the Security Council read out a statement to the press in which he noted, inter alia, that in light of the increased efforts of the Government of Sierra Leone to control and manage its diamond industry and ensure proper control over diamond-mining areas, as well as the Government's full participation in the Kimberley Process, the members of the Council had agreed not to renew the prohibition against the import of rough diamonds from Sierra Leone not controlled by the certificate of origin regime.

7. With the expiration of the diamond sanctions, the mandate of the Committee is once again wholly contained in resolution 1171 (1998), which refers to the requirement of reporting State/Government notifications of export/import of arms and related materiel to the Security Council, and to the tasks of the Committee in relation to the arms embargo and the travel ban, both of which are still in force.

8. To date, the travel ban list includes the names of 30 individuals designated as leading members of the former military junta in Sierra Leone, the Armed Forces Revolutionary Council (AFRC) or as leading members of RUF. The list was last revised on 20 September 2004, when 16 names were removed on the basis of information provided by the Government of Sierra Leone.[1]

B. Summary of the activities of the Committee

9. In a letter dated 25 July 2007, the Chairman informed the Permanent Representative of Sierra Leone that, before proceeding with a further review of the travel ban list, the Committee would like to take into account the views of the Government of Sierra Leone in connection with the travel ban or the individuals whose names were inscribed on the list. In a reply to the Committee dated 16 August 2007, the Chargé d'affaires, a.i. of the Permanent Mission of Sierra Leone to the United Nations assured the Committee that the Government would be in a position, in the next few months, to provide the Committee with further information and appropriate recommendations about the individuals whose names are still on the list and on the future of the travel ban measure. As of the writing of this report, no further communications have been received from the Government of Sierra Leone.

10. On 4 December 2007, the Committee held one session of informal consultations to consider three letters dated 16 November 2007 from the Registrar of the Special Court for Sierra Leone concerning issues related to the travel of individuals inscribed on the Committee's travel ban list to testify in the trial of former Liberian President Charles Taylor or for the enforcement of sentences handed down by the Special Court. In a reply dated 14 December 2007, the Chairman conveyed to the Registrar of the Special Court the procedures to be followed in the event any individuals included on the Committee's travel ban list would need to travel internationally for the enforcement of sentences handed down by the Special Court.

[1] The latest version of the travel ban list is available on the Committee's website at: http://www.un.org/sc/committees/1132/tblist.shtml.

11. Also during the informal consultations held on 4 December, Committee members discussed the possibility of the Security Council inserting a new exemption to the travel restrictions imposed by resolution 1171 (1998) into a future resolution concerning Sierra Leone, in order to facilitate the travel of listed individuals to The Hague in order to testify in the trial of former Liberian President Charles Taylor. Subsequently, on 21 December 2007, the Security Council adopted resolution 1793 (2007), by which it decided to exempt from the travel restrictions the travel of any witnesses whose presence at the trial is required.

12. The Committee considered and approved one request for a waiver from the travel restrictions imposed by resolution 1171 (1998). The request, transmitted in a letter dated 22 March 2007 from the Chargé d'affaires, a.i. of the United States Mission to the United Nations, was submitted in order to allow an individual inscribed on the travel ban list to travel to the United States of America in order to participate in legal proceedings in that country.

C. Violations and alleged violations of the sanctions regime

13. During the reporting period, no violations or alleged violations of the sanctions regime were brought to the attention of the Committee.

III. Observations

14. In the light of both the security situation in Sierra Leone, which was described in the fifth report of the Secretary-General on the United Nations Integrated Office in Sierra Leone as stable but fragile (S/2007/704), and the presidential and parliamentary elections of 11 August 2007, which were considered to be largely peaceful, transparent and credible, the Chairman encourages members of the Committee and the Security Council to continue consultations to determine the appropriate time to streamline the legal basis for sanctions in Sierra Leone. While recognizing that any revision of the sanctions measures would fall under the purview of the Security Council, the Chairman notes that one contribution that the Committee could make towards having an up-to-date sanctions regime is to ensure that the travel ban list established pursuant to resolution 1171 (1998) reflect as closely as possible the current situation in Sierra Leone. The Committee awaits the views of the Government of Sierra Leone in this connection, after which it hopes to undertake a review of the list to that end.